

TROY FOX, TRUSTEE  
NV Bar. #11127  
601 S. 10th Street, Suite 202  
Las Vegas, NV 89101  
Ph: (702) 382-1007  
trusteefox@ficlegal.com

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

LOUIS FRANCIS COLAGIOVANNI

Debtor(s).

Case No.: BK-S-23-12889-hlb

Chapter 7

**TRUSTEE'S MOTION TO DISMISS CASE  
FOR FAILURE TO FILE REQUIRED  
DOCUMENTS UNDER SECTION 521(i)**

**(NO HEARING REQUIRED)**

The Motion of Troy S. Fox (the "Trustee") to dismiss this case represents:

1. Debtor filed for relief under the Bankruptcy Code on 07/17/2023 and the Trustee has duly qualified and is now acting as the Chapter 7 Trustee of the estate of the above-referenced debtor.

2. Debtor marked the petition designating that "Debts are primarily consumer debts."

3. Debtor failed to file schedules for more than 45 days after the filing of the petition, the 45<sup>th</sup> day being August 31, 2023. *See Docket attached as Exhibit "A."*

4. Bankruptcy Code § 521 (i) provides

(1) Subject to paragraphs (2) and (4) and notwithstanding section 707(a), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the date of the filing of the petition, the case shall be automatically dismissed effective on the 46<sup>th</sup> day after the date of the filing of the petition.

/ / /

(2) Subject to paragraph (4) and with respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 7 days after such request.

(3) Subject to paragraph (4) and upon request of the debtor made within 45 days after the date of the filing of the petition described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.

(4) Notwithstanding any other provision of this subsection, on the motion of the trustee filed before the expiration of the applicable period of time specified in paragraph (1), (2), or (3), and after notice and a hearing, the court may decline to dismiss the case if the court finds that the debtor attempted in good faith to file all the information required by subsection (a)(1)(B)(iv) and that the best interests of creditors would be served by administration of the case.

WHEREFORE, Trustee prays for an order confirming the automatic dismissal of this case, and such other and further relief as is just and proper.

DATED: 09/04/2023

/s/ Troy S. Fox  
Troy S. Fox, Trustee

#### **DECLARATION OF TRUSTEE**

I declare, under penalty of perjury, that the foregoing is true and correct, to the best of my knowledge, information and belief.

DATED: 09/04/2023

/s/ Troy S. Fox  
Troy S. Fox, Trustee

# EXHIBIT “A”

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

DebtEd, BAPCPA, MEANSU, FeeDueINST

**U.S. Bankruptcy Court  
District of Nevada (Las Vegas)  
Bankruptcy Petition #: 23-12889-hlb**

Assigned to: HILARY L. BARNES  
Chapter 7  
Voluntary  
No asset

Date filed: 07/17/2023  
341 meeting: 09/06/2023  
Deadline for objecting to discharge: 10/23/2023

**Debtor**

**LOUIS FRANCIS COLAGIOVANNI**  
500 DUCHESS AVE  
UNIT A  
NORTH LAS VEGAS, NV 89030  
CLARK-NV  
SSN / ITIN: xxx-xx-8200

represented by **LOUIS FRANCIS  
COLAGIOVANNI**  
PRO SE

**Trustee**

**TROY S. FOX**  
FOX, IMES AND CROSBY, LLC  
601 S. 10TH ST.  
SUITE 202  
LAS VEGAS, NV 89101  
702-382-1007

**U.S. Trustee**

**U.S. TRUSTEE - LV - 7**  
300 LAS VEGAS BOULEVARD, SO.  
SUITE 4300  
LAS VEGAS, NV 89101

Filing Date	#	Docket Text
07/17/2023	<a href="#">1</a> (12 pgs)	Chapter 7 Voluntary Petition Individual. Fee Amount \$0. Request for fee to be paid in installments. Filed by LOUIS FRANCIS COLAGIOVANNI (jow) (Entered: 07/17/2023)
07/17/2023	<a href="#">2</a> (2 pgs)	Meeting of Creditors and Notice of Appointment of Trustee FOX, TROY S.. 341 meeting to be held on 8/23/2023 at 09:00 AM at Remote. Deadline to Object to Debtors Discharge or to Challenge Dischargeability of Certain Debts is 10/23/2023. (Entered: 07/17/2023)

07/17/2023	3	Statement of Social Security Number(s). <b>This document contains sensitive information and cannot be viewed by the public.</b> Filed by LOUIS FRANCIS COLAGIOVANNI (jow) (Entered: 07/17/2023)
07/17/2023	<a href="#">4</a> (2 pgs)	Application to Pay Filing Fee in Installments with Proposed Order Filed by LOUIS FRANCIS COLAGIOVANNI (jow) (Entered: 07/17/2023)
07/17/2023	<a href="#">5</a> (1 pg)	Order to Pay Filing Fees in Installments (BNC) First Installment Payment due by 07/24/2023. Second Installment Payment due by 09/15/2023. Third Installment Payment due by 10/16/2023. Fourth Installment Payment due by 11/14/2023. (Related document(s) <a href="#">4</a> Application to Pay Filing Fees in Installments filed by Debtor LOUIS FRANCIS COLAGIOVANNI) (jow) (Entered: 07/17/2023)
07/17/2023	6	Set Deficient Filing Deadlines. Incomplete Filings due by 7/31/2023. Summary of Assets and Liabilities due by 7/31/2023. Schedules A/B-J due by 7/31/2023. Declaration Re: Schedules due by 7/31/2023. Statement of Financial Affairs due by 7/31/2023. Statement of Intent due by 8/16/2023. Statement of Current Monthly Income and Means Test Form 122A-1 Due: 7/31/2023. (jow) (Entered: 07/17/2023)
07/17/2023	<a href="#">7</a> (2 pgs)	Notice of Incomplete and/or Deficient Filing. (jow) (Entered: 07/17/2023)
07/19/2023	<a href="#">8</a> (2 pgs)	AMENDED Notice of Incomplete and/or Deficient Filing. (jow) (Entered: 07/19/2023)
07/19/2023	<a href="#">9</a> (4 pgs)	BNC Certificate of Notice (Related document(s) <a href="#">2</a> Meeting of Creditors Chapter 7 No Asset (BNC)) No. of Notices: 3. Notice Date 07/19/2023. (Admin.) (Entered: 07/19/2023)
07/19/2023	<a href="#">10</a> (3 pgs)	BNC Certificate of Notice. (Related document(s) <a href="#">7</a> Incomplete and/or Deficient Filing-Ch 7 Individual (BNC)) No. of Notices: 1. Notice Date 07/19/2023. (Admin.) (Entered: 07/19/2023)
07/19/2023	<a href="#">11</a> (2 pgs)	BNC Certificate of Notice - pdf (Related document(s) <a href="#">5</a> Order to Pay Filing Fees in Installments (BNC)) No. of Notices: 1. Notice Date 07/19/2023. (Admin.) (Entered: 07/19/2023)
07/21/2023	<a href="#">12</a> (3 pgs)	BNC Certificate of Notice. (Related document(s) <a href="#">8</a> Incomplete and/or Deficient Filing-Ch 7 Individual (BNC)) No. of Notices: 1. Notice Date 07/21/2023. (Admin.) (Entered: 07/21/2023)
08/24/2023	<a href="#">13</a> (7 pgs)	Motion for Relief from Stay Property: 500 Duchess Ave, North Las Vegas, NV 89030 Fee Amount \$188. with Proposed Order with Certificate of Service Filed by AMBERLEA DAVIS on behalf of Richard Bridgewater III (DAVIS, AMBERLEA) (Entered: 08/24/2023)
08/24/2023	<a href="#">14</a> (10 pgs; 2 docs)	Notice of Motion for Relief from Stay with Certificate of Service Filed by AMBERLEA DAVIS on behalf of Richard Bridgewater III (Related document(s) <a href="#">13</a> Motion for Relief from Stay filed by Creditor Richard Bridgewater) (Attachments: # <a href="#">1</a> Exhibit Notice of Motion for Relief

		from Stay) (DAVIS, AMBERLEA) (Entered: 08/24/2023)
08/24/2023		Receipt of Filing Fee for Motion for Relief from Stay( <a href="#">23-12889-hlb</a> ) [motion,mrlfsty] ( 188.00). Receipt number A21273520, fee amount \$ 188.00.(re: Doc# <a href="#">13</a> ) (U.S. Treasury) (Entered: 08/24/2023)
08/25/2023	15	Statement Adjourning Meeting of 341(a) Meeting of Creditors. Section 341(a) Meeting Continued on 9/6/2023 at 03:00 PM at Remote. Debtor absent. (FOX, TROY) (Entered: 08/25/2023)
08/25/2023	16	Hearing Scheduled/Rescheduled.Hearing scheduled 9/27/2023 at 11:00 AM at Remote. (Related document(s) <a href="#">13</a> Motion for Relief from Stay filed by Creditor Richard Bridgewater) (mmm) (Entered: 08/25/2023)
08/25/2023	17	Text Only Entry (Deficiency) PDF is an incorrect image per the event selected, which is not contained in the title. (Related document(s) <a href="#">14</a> Notice filed by Creditor Richard Bridgewater) (mmm) (Entered: 08/25/2023)

PACER Service Center			
Transaction Receipt			
09/04/2023 08:12:06			
<b>PACER Login:</b>	foxtrustee	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	23-12889-hlb Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Headers: included Format: html Page counts for documents: included
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20
<b>Exempt flag:</b>	Exempt	<b>Exempt reason:</b>	Exempt Court Order